

**Iowa Department of Natural Resources
Natural Resource Commission**

ITEM

12

DECISION

TOPIC

Final Rule--Chapter 94, Nonresident Deer Hunting

The Commission is requested to adopt a final rule to amend Chapter 94, Nonresident Deer Hunting. The proposed amendments restrict the optional antlerless-only licenses to one of the two regular shotgun seasons when the reported success rates are 2 to 3 times higher than during the archery or muzzleloader seasons. The shotgun seasons are also when many former residents come back and hunt with their families and traditional parties. These changes should allow for more deer to be killed in those counties where deer populations are higher than the Department's goals. The proposed amendments also add the requirement for the use of hunter orange on ground blinds so that it is consistent for resident and nonresident hunters.

Ken Herring, Administrator
Conservation and Recreation Division

Attachment:

February 14, 2008

NATURAL RESOURCE COMMISSION [571]

Adopted and Filed

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby amends Chapter 94, “Nonresident Deer Hunting,” Iowa Administrative Code.

Chapter 94 gives the regulations for hunting deer and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of taking, and transportation tag requirements. These amendments set quotas for nonresident antlerless licenses and requires successful hunters to report their kill.

Notice of Intended Action was published in the Iowa Administrative Bulletin on December 6, 2006, as ARC 6442B. A public hearing was held on January 2, 2008 and no one attended. Two comments were received. One requested a clarification of the definition of what is a ground blind and the other requested that the rule clarify that the optional antlerless licenses will still be issued for disabled hunters as specified in 94.10. The changes from the Notice of Intended Action are to clarify language in 94.7(6) to indicate that the requirement for blaze orange only applies to portable ground blinds and that disabled hunters can obtain optional antlerless licenses in 94.8(2). These amendments are intended to implement Iowa Code sections 481A.38, 481A.39 and 481A.48.

These amendments shall become effective April 8, 2008.

The following amendments are adopted.

ITEM 1. Amend subrule **94.1(1)**, paragraph “c,” as follows:

c. Optional antlerless-only licenses. A hunter who is not successful in drawing an any-deer license may purchase an antlerless-only license as described in rule 571—94.8(483A). ~~This antlerless-only license shall be valid in the county and season designated by the hunter at the time it is purchased.~~

ITEM 2. Amend rule 571—94.7(483A) by adopting the following new subrule:

94.7(6) Ground blinds. No person shall use a portable ground blind for hunting deer during the regular gun deer seasons unless such blind exhibits a solid blaze orange marking visible in all directions with a minimum height of 12 inches and a minimum width of 12 inches. As used in this subrule, “ground blind” means a constructed place of concealment. A ground blind is not a naturally occurring feature that a hunter merely uses for concealment.

ITEM 3. Amend subrule 94.8(1) as follows:

94.8(1) Any-deer licenses. Applications for any-deer and mandatory antlerless-only licenses will be accepted from the first Saturday in May through the first Sunday in June. No one may submit more than one application during the application period. Hunters may apply as individuals or as a group of up to 15 applicants. All members of a group will be accepted or rejected together in the drawing. If applications have been sold in excess of the license quota for any zone or season, a drawing will be held to determine which applicants receive licenses. Licenses or refunds of license fees will be mailed to applicants after the drawing is completed. License agent writing fees, department administrative fees and telephone order charges will not be refunded. If any zone’s license quota for any-deer and mandatory antlerless-only licenses has not been filled, the excess any-deer and mandatory antlerless-only licenses will be sold on a first-come, first-served basis through the telephone ordering system or the Internet license sales

Web site. Excess any–deer and mandatory antlerless–only licenses will be sold beginning the ~~fourth last~~ Saturday ~~after the close of the application period in July~~ until the quota has been filled or the last day of the hunting period for which the license is valid, whichever occurs first. Members of a group that is rejected may purchase licenses individually if excess any–deer and mandatory antlerless–only licenses or optional antlerless–only licenses are available.

ITEM 4. Amend subrule 94.8(2) as follows:

94.8(2) Optional antlerless–only licenses. Optional antlerless–only licenses must be purchased through the ELSI telephone ordering system or the ELSI Internet license sales Web site. Licenses for taking only antlerless deer will be available on the same date as excess any–deer licenses are sold as explained in 94.8(1). Optional antlerless–only licenses will only be issued for one of the two regular gun seasons and for qualified disabled hunters (94.10). They will be sold first–come, first–served until the county quota is filled, or until the last day of the season for which a license is valid. If optional antlerless–only licenses are still available on December 15, they may be purchased by nonresidents to hunt during the period from December 24 through January 2. These licenses will be available to nonresidents who have not purchased a nonresident deer license during one of the current deer seasons. The hunter must have in possession a valid nonresident small game hunting license and proof of having paid the current year’s wildlife habitat fee. Optional antlerless–only licenses ~~will be issued by season and county~~ and will be valid only in the season and county designated by the hunter at the time the license is purchased.

a. Nonresident landowners. Nonresidents who own land in Iowa will have preference in obtaining optional antlerless–only licenses. Nonresidents must qualify as landowners following the criteria stated in 571—subrule 106.12(1) and 571—subrules 106.12(3) through 106.12(6), except that nonresident tenants and family members of nonresident landowners and tenants do not qualify and nonresident optional antlerless–only licenses will not be free of charge. If a farm unit is owned jointly by more than one nonresident, only one owner may claim landowner preference in the same year. Nonresidents who own land jointly with a resident do not qualify for preference. Nonresidents who have provided proof to the department that they own land in Iowa and meet the qualifying criteria may ~~exclusively purchase an optional antlerless–only license for the first 14 days of the sale period~~ license for one of the two regular gun seasons when excess any–deer licenses go on sale or for the holiday season beginning December 15. Such proof must be provided before an optional antlerless–only license can be purchased and must be resubmitted each year in which an optional antlerless–only license is purchased. These licenses do not count against the county quota.

b. No change.

~~c. Nonresidents who do not own land in Iowa. Nonresidents who are not Iowa landowners may purchase optional antlerless only licenses beginning the fifteenth day after they are available to landowners.~~

Date

Richard A. Leopold, Director